



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/678,414
		Filing Date	October 2, 2003
		First Named Inventor	Lawrence M. KAUVAR
		Art Unit	1639
		Examiner Name	T. Wessendorf
Total Number of Pages in This Submission	3	Attorney Docket Number	388512010101

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (2 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Customer No. 25225

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Kate H. Murashige		
Date	June 2, 2006	Reg. No.	29,959

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 2, 2006

Signature:

(Marian L. Christopher)



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:  
MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, on the date shown below.

Dated: June 2, 2006

Signature:

(Marian Christopher)

Docket No.: 388512010101  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lawrence M. KAUVAR et al.

Application No.: 10/678,414

Confirmation No.: 9986

Filed: October 2, 2003

Art Unit: 1639

For: MULTIHUE LABELS

Examiner: Teresa D. Wessendorf

### RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office Action herein, mailed 3 May 2006, time for response to which was set to expire 3 June 2006. Applicants understand this to be a species election rather than a restriction requirement in view of the notation that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species.

Therefore, applicants elect to prosecute the invention represented by "antibody" from Group A, "carboxamide" from Group B, and "epitope/antibody" from Group C.

It is understood that the generic claims cited read on these species.

Applicants wish to note that it is the combination of the size limitation (100 nm) and the requirement that at least three fluorophores be present that confers patentably on these claims.

Examination on the merits is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 388512010101.

Respectfully submitted,

Dated: June 1, 2006

By: Kate H. Murashige  
Kate H. Murashige  
Registration No. 29,959  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive  
Suite 100  
San Diego, California 92130-2040  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125